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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-800

13 **RAY LAVERN CARTER**
14 **P.O. Box 743015**
15 **Los Angeles, CA 90004**
16 **Registered Nurse License No. 361494**

A C C U S A T I O N

Respondent.

17 Complainant alleges:

PARTIES

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about August 31, 1983, the Board of Registered Nursing issued Registered
22 Nurse License Number 361494 to Ray Lavern Carter (Respondent). The Registered Nurse
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on November 30, 2012, unless renewed.

JURISDICTION

25 3. This Accusation is brought before the Board of Registered Nursing (Board),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code unless otherwise indicated.
28

STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

....

7. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

• • • •

8. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

9. Section 125.3 of the Code provides, in pertinent part, that the Board/Registrar/Director may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

10. Methamphetamine is a dangerous drug according to Business and Professions Code section 4022 and is a Schedule II controlled substance as defined in Health and Safety Code section 11055(d)(2).

FIRST CAUSE FOR DISCIPLINE

(Use of Dangerous Drugs)

11. Respondent is subject to disciplinary action under section 2761, subdivisions (a) and (d) in that Respondent violated section 2762, subdivision (b), by using a controlled substance and dangerous drug (Methamphetamine) without a valid prescription. The circumstances are that a complaint filed by his employer, St. Francis Medical Center, which alleged that he had self-reported working as a registered nurse while impaired on August 22, 2009. During the course of a subsequent investigation, Respondent made the following admissions: that he was dealing with personal issues concerning Methamphetamine; that he had a substance abuse problem and that his drug of choice was Methamphetamine; that he administers the drug intravenously approximately

1 one time every two to five months at weak moments in time; and that he had probably practiced
2 under the influence of illegal drugs but not intentionally.

3 SECOND CAUSE FOR DISCIPLINE

4 (Obtain Dangerous Drugs)

5 12. Complainant refers to and incorporates the allegations contained in paragraph no. 11,
6 as though set forth fully. Respondent is subject to disciplinary action under section 2761,
7 subdivisions (a) and (d) in that Respondent violated section 2762, subdivision (a), by obtaining a
8 controlled substance and dangerous drug (Methamphetamine) without a valid prescription as
9 further described in paragraph no. 11.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

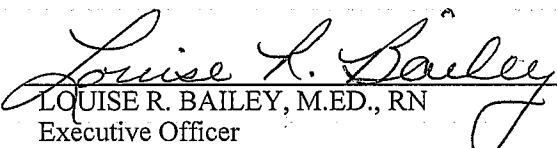
13 1. Revoking or suspending Registered Nurse License Number 361494, issued to Ray
14 Lavern Carter;

15 2. Ordering Ray Lavern Carter to pay the Board of Registered Nursing the reasonable
16 costs of the investigation and enforcement of this case, pursuant to Business and Professions
17 Code section 125.3;

18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: _____

3/23/11

20 
LOUISE R. BAILEY, M.ED., RN
21 Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant

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